

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation
Against:

LEONARD J. LOVALVO, M.D.

Physician's and Surgeon's
Certificate No. A-20687

Respondent

File No. 08-2006-177248

DECISION

The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on January 2, 2007.

IT IS SO ORDERED December 26, 2006.

MEDICAL BOARD OF CALIFORNIA

By: 

Barbara Yaroslavsky, Chair

Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 ROBERT C. MILLER, State Bar No. 125422
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5336
Facsimile: (916) 327-2247
7
8 Attorneys for Complainant

9
10 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 08-2006-177248

13 LEONARD J. LOVALVO, M.D.
14 7780 N. Fresno Street, Suite 101
Fresno, CA 937203

**STIPULATED SURRENDER OF
LICENSE**

15 Physician and Surgeon's Certificate No. A-20687

16
17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Complainant David T. Thornton is the Executive Officer of the Medical Board
23 of California. He brought this action solely in his official capacity and is represented in this matter
24 by Bill Lockyer, Attorney General of the State of California, by Robert C. Miller, Deputy Attorney
25 General.

26 2. Respondent is representing himself in this proceeding and has chosen not to
27 exercise his right to be represented by counsel.

28 3. On or about July 1, 1963, the Medical Board of California issued Physician

1 and Surgeon's Certificate No. A 20687 to Leonard J. Lovalvo, M.D. ("Respondent"). The Certificate
2 shall expire on March 31, 2007 unless renewed.

3 JURISDICTION

4 4. Accusation Number 08-2006-177248, was filed before the Division of
5 Medical Quality, Medical Board of California ("Board"), and is currently pending against
6 Respondent. The Accusation, together with all other statutorily required documents, was duly served
7 on Respondent. A copy of Accusation Number 08-2006-177248 is attached as Exhibit A and
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and fully understands the nature of the charges
11 and allegations in the Accusation, Number 08-2006-177248. Respondent also has read and carefully
12 considered the Stipulated Surrender of License and understands the effect it will have on his ability
13 to practice.

14 6. Respondent is fully aware of his legal rights in this matter, including the right
15 to a hearing on the charges and allegations in the Accusation, the right to be represented by counsel,
16 at his own expense, the right to confront and cross-examine the witnesses against him, the right to
17 present evidence and to testify on his own behalf and to the issuance of subpoenas to compel the
18 attendance of witnesses and the production of documents, the right to reconsideration and court
19 review of an adverse decision, and all other rights accorded by the California Administrative
20 Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly and intelligently waives and gives up each
22 and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in the Accusation,
25 if proven at a hearing, constitute cause for imposing discipline upon his Physician and Surgeon's
26 Certificate No. A20687.

27 9. Respondent admits the truth of the allegations in Accusation No. 08-2006-
28 177248 and that cause exists for discipline pursuant to Business and Professions Code sections 2234

1 and 726. Respondent hereby surrenders his Physician and Surgeon's Certificate to the Board for
2 formal acceptance.

3 EFFECT OF SURRENDER

4 10. Respondent understands that by signing this stipulation he enables the Board
5 to issue its order accepting the surrender of his Physician and Surgeon's Certificate without further
6 process.

7 11. Upon acceptance of the stipulation by the Division of Medical Quality,
8 Respondent understands that he will no longer be permitted to practice as a physician and surgeon
9 in California, and also agrees to surrender and cause to be delivered to the Board both his license
10 and wallet certificate before the effective date of the decision.

11 12. Respondent fully understands and agrees that if he ever files an application
12 for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
13 reinstatement. Respondent must comply with all the laws, regulations and procedures for
14 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and
15 allegations contained in the Accusation Number 08-2006-177248 will be deemed to be true, correct
16 and admitted by Respondent when the Board determines whether to grant or deny the petition.

17 RESERVATION

18 13. The admissions made by Respondent herein are only for the purposes of this
19 proceeding, or any other proceedings in which the Board or other professional licensing agency is
20 involved, and shall not be admissible in any other criminal or civil proceeding.

21 CONTINGENCY

22 14. This stipulation shall be subject to the approval of the Division of Medical
23 Quality. Respondent understands and agrees that Board and counsel for complainant may
24 communicate directly with the Division of Medical Quality regarding this stipulation and settlement,
25 without notice to or participation by Respondent. If the Division of Medical Quality fails to adopt
26 this stipulation as its Order, the Stipulation for Surrender of License Order shall be of no force or
27 effect, it shall be inadmissible in any legal action between the parties, and the Division of Medical
28 Quality shall not be disqualified from further action in this matter by virtue of its consideration of

1 this stipulation.

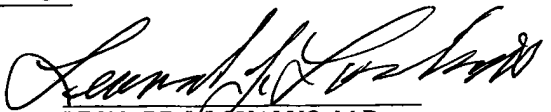
2 15. The parties agree that facsimile copies to this Stipulated Surrender of License,
3 including facsimile signatures thereto, shall have the same force and effect as original Stipulated
4 Settlement signatures.

5 ACCEPTANCE

6 I, Leonard J. Lovalvo, M.D. have carefully read the above Stipulated Surrender of
7 License and enter into this agreement freely and voluntarily, and with full knowledge of its force and
8 effect, do hereby surrender my Physician and Surgeon's Certificate No. A20687 to the Division of
9 Medical Quality for its formal acceptance. By signing this Stipulated Surrender of License I
10 recognize that upon its formal acceptance by the Division of Medical Quality I will lose all rights
11 and privileges to practice as a physician and surgeon in the State of California and I will also cause
12 to be delivered to the Board both my license and wallet certificate before the effective date of the
13 decision.

14 I further agree that a facsimile copy of this Stipulated Surrender of License, including
15 facsimile copies of signatures, may be used with the same force and effect as the originals.

16 DATED: 27 Oct 2006

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18 LEONARD J. LOVALVO, M.D.
19 Respondent

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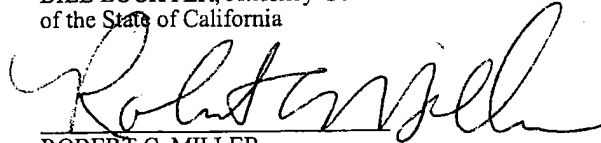
ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration.

DATED:

11/16/02

BILL LOCKYER, Attorney General
of the State of California



ROBERT C. MILLER
Deputy Attorney General

Attorneys for Complainant

EXHIBIT “A”

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 26 2006
BY R. L. M. Acife

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 ROBERT C. MILLER, State Bar No. 125422
Deputy Attorney General
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DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 08-2006-177248

13 LEONARD J. LOVALVO, M.D.
14 7780 N. Fresno Street, Suite 101
Fresno, CA 93720

ACCUSATION

15 Physician and Surgeon's Certificate No. A-20687

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

20 1. David T. Thornton (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs.

23 2. On or about July 1, 1963, the Medical Board of California issued
24 Physician and Surgeon's Certificate Number A-20687 to Leonard J. Lovalvo, M.D. (Respondent).
25 The Physician and Surgeon's Certificate and will expire on March 31, 2007, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Division of Medical Quality
28 (Division) for the Medical Board of California, Department of Consumer Affairs, under the

1 authority of the following laws. All section references are to the Business and Professions Code
2 unless otherwise indicated.

3 4. Section 2227 of the Code provides that a licensee who is found guilty
4 under the Medical Practice Act may have his or her license revoked, suspended for a period not
5 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or
6 such other action taken in relation to discipline as the Division deems proper.

7 5. Section 2234 of the Code states:

8 "The Division of Medical Quality shall take action against any licensee who is
9 charged with unprofessional conduct. In addition to other provisions of this article,
10 unprofessional conduct includes, but is not limited to, the following:

11 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or
12 abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter
13 5, the Medical Practice Act].

14 "(b) Gross negligence.

15 "(c) Repeated negligent acts.

16 "(d) Incompetence.

17 "(e) The commission of any act involving dishonesty or corruption which is
18 substantially related to the qualifications, functions, or duties of a physician and surgeon.

19 "(f) Any action or conduct which would have warranted the denial of a
20 certificate."

21 6. Section 726 of the Code states:

22 "The commission of any act of sexual abuse, misconduct, or relations with a
23 patient, client, or customer constitutes unprofessional conduct and grounds for
24 disciplinary action for any person licensed under this division, under any initiative act
25 referred to in this division and under Chapter 17 (commencing with Section 9000) of
26 Division 3.

27 "This section shall not apply to sexual contact between a physician and surgeon
28 and his or her spouse or person in an equivalent domestic relationship when that physician and

1 surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse
2 or person in an equivalent domestic relationship."

3 PRIOR DISCIPLINE

4 Effective August 22, 1991, Respondent's physician's and surgeon's certificate
5 was disciplined in Case No. 08-90-3003. Respondent was found to have committed sexual
6 misconduct with a patient and had his medical license disciplined as follows: Revocation stayed,
7 90 days suspension and ten years probation.

8 FIRST CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct-Gross Negligence/Sexual Misconduct)
10 [Bus. & Prof. Code Sections 2234(b); 726]

11 7. On or about July 24, 2006, patient H.R.¹ received treatment from
12 Respondent in Respondent's medical office, a private proctology practice in Fresno, California.
13 H.R. had been Respondent's patient for approximately eight years; the medicine procedure on
14 July 24, 2006 was hemorrhoid banding.

15 During this treatment of H.R. in Respondent's medical office Respondent engaged
16 in an act of sexual misconduct with patient H.R.; specifically, while patient H.R. was lying on the
17 examination table, he orally copulated Respondent while Respondent stood next to him.

18 8. Respondent's conduct as set forth above constitutes gross negligence and
19 sexual misconduct within the meaning of sections 2234(b) and 726, respectively, of the Business
20 and Professions Code and is grounds for discipline of Respondent's physician and surgeon's
21 certificate for unprofessional conduct.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

- 25 1. Revoking or suspending Physician and Surgeon's Certificate Number

A20687


26 1. The patient's name is not revealed here because this document will become public
27 record when filed. This would breach patient confidentiality. His full name is known to
28 Respondent and will be fully disclosed in Discovery and at hearing on this matter, with the
request that the patient's privacy be protected.

1 A-20687, issued to Leonard J. Lovalvo, M.D.;

2 2. Revoking, suspending or denying approval of Leonard J. Lovalvo, M.D.'s
3 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 3:40 PM 2/4/2006

6 
7 DAVID T. THORNTON
8 Executive Director
9 Medical Board of California
10 Department of Consumer Affairs
11 State of California
12 Complainant
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